

ORDER OF COMMISSION

In the matter of Objection No. 001 filed by Peters Heating and Air Conditioning, Inc. on March 19, 2009, to Annual Wage Order No. 16, pertaining to the wage rate for the occupational title of Sheet Metal Worker in the Missouri County of Marion – Section 064, issued by the Division of Labor Standards, Department of Labor and Industrial Relations; filed with the Secretary of State: March 10, 2009.

On March 10, 2009, a certified copy of Annual Wage Order No. 16 containing the initial determination of the prevailing hourly wages in each locality for each occupational title was filed with the Missouri Secretary of State. On March 19, 2009, an objection thereto was filed and signed by Rod Peters, who is not shown to be licensed to practice law in the State of Missouri, on behalf of Peters Heating and Air Conditioning, Inc. regarding the county of Marion.

At any time within thirty days after the certified copies of the determinations have been filed with the secretary of state and the department, any person who is affected thereby may object in writing to a determination or a part thereof that he deems objectionable by filing a written notice with the department, stating the specific grounds of the objection. If no objection is filed, the determination is final after thirty days.

Section 290.262.3 RSMo (2000).

Section 509.030 RSMo. (2000) requires that all pleadings be signed. Under section 484.010.1 RSMo. (2000), the practice of law includes the "drawing of papers, pleadings or documents or the performance of any act in such capacity in connection with proceedings pending or prospective before any . . . commission[]"

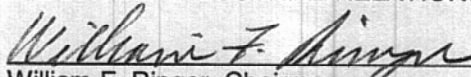
"The law recognizes the right of natural persons to act for themselves in their own affairs, although the acts performed by them, if performed for others, would constitute the practice of law. A natural person may present his own case in court or elsewhere, although he is not a licensed lawyer. A corporation is not a natural person. It is an artificial entity created by law. Being an artificial entity it cannot appear or act in person. It must act in all its affairs through agents or representatives. *In legal matters, it must act, if at all, through licensed attorneys...*" (Emphasis added) *Reed v. Labor and Industrial Relations Commission et al.*, 789 S.W.2d 19, 21 (Mo. 1990) (citing) *Clark v. Austin*, 101 S.W.2d 977, 982 (Mo. 1937).

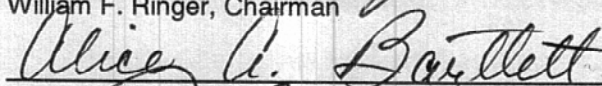
In addition, the Missouri Code of State Regulations states that under the Prevailing Wage Law "[o]nly an attorney licensed to practice in Missouri, may appear in a representative capacity" at hearings held by the commission. *8 C.S.R. 20-5.010* (2008).

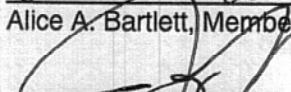
Peters Heating and Air Conditioning, Inc. is an artificial entity which cannot appear or act in person. Instead, it acts through its agents and representatives. Therefore, in legal matters such as this, it must act through a licensed attorney. The objection filed by Peters Heating and Air Conditioning, Inc. was not signed by a licensed attorney. Therefore, the objection is not properly before the Commission. Accordingly, the objection is hereby dismissed.

Given at Jefferson City, State of Missouri, this 2nd day of April, 2009.

LABOR AND INDUSTRIAL RELATIONS COMMISSION


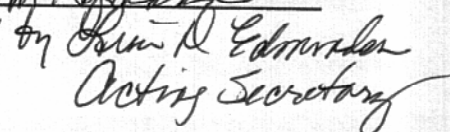

William F. Ringer, Chairman


Alice A. Bartlett, Member

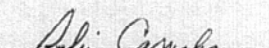

John J. Hickey, Member

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Attest:


Secretary

Acting Secretary

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SECRETARY OF STATE
COMMISSION DIVISION